

Fayette Circuit Court

STATE OF INDIANA)	IN THE FAYETTE CIRCUIT/SUPERIOR COURT
) SS:	
COUNTY OF FAYETTE)	CAUSE NO. 21C01-2009-CT-000398
ELMER McDONALD,)	
Plaintiff)	
)	
vs.)	
)	
KEVIN E. ROLLINS, and)	
DART TRANSIT COMPANY,)	
Defendants)	

PLAINTIFF'S COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Comes now Plaintiff Elmer McDonald ("McDonald") by counsel, Grant M. Reeves, and for his Complaint for Damages and Demand for Jury Trial as follows:

GENERAL ALLEGATIONS

1. McDonald is a resident of Fayette County, Indiana.
2. Kevin Rollins ("Rollins") is believed to be a resident of West Slidell, Louisiana, 70461.
3. Dart Transit Company ("Dart") is a corporation with principal place of business in Minnesota.
4. The incident took place on January 31, 2019.
5. At the time of the incident, McDonald was working as a contractor for Rex-Don Trucking.
6. The incident took place at the Pilot Travel Center, 4154 US 24, Remington, Indiana 47977, in Jasper County, Indiana.
7. Venue is proper in this Court pursuant to the Indiana Rules of Trial Procedure, Trial Rule 75.
8. Venue is preferred in Fayette County pursuant to the Indiana Rules of Trial Procedure, Trial Rule 75(10) as the Plaintiff resides in Fayette County.
9. This Court has jurisdiction over this matter, as all events occurred in Indiana.

Exhibit "A"

10. On the evening of January 31, 2019, Elmer McDonald was attacked from behind by Mr. Rollins.
11. Mr. Rollins was working as a truck driver, driving a truck for Dart at the time of the incident.
12. As a result of this attack, Elmer McDonald suffered severe injuries to his face, including but not limited to, a shattered right eye socket, which required surgery to repair, a swollen left ear, and numbness of his mouth, nose and right eye.
13. Mr. McDonald suffered significant pain and suffering, including emotional distress.
14. As a result of the injuries, Mr. McDonald was unable to drive his trucking routes for five weeks.
15. As a result of this attack, Elmer McDonald faced considerable pain, suffering, significant medical expenses and lost wages.

ASSAULT AND BATTERY – ROLLINS AND DART

1. McDonald hereby incorporates by reference all other paragraphs in this Complaint as if fully set forth herein.
2. Rollins, acting individually, did knowingly and intentionally assault and batter McDonald when he intentionally struck Rollins in the head, causing severe injuries.
3. Rollins' conduct constituted both assault and battery against McDonald.
4. McDonald was damaged by Rollins' conduct in the form of emotional damages, pain, and suffering.
5. McDonald had at least \$46,236.35 in medical bills to date and may have future bills.
6. McDonald had at least \$15,000 in lost wages.
7. McDonald also had substantial pain and suffering with ongoing effects.
8. Rollins was working for Dart at the time.

9. Accordingly, Dart is directly responsible for Rollins's conduct by the doctrine of respondeat superior and otherwise.

WHEREFORE, McDonald prays for a judgment in his favor and against Rollins and Dart in an amount of at least \$250,0000 to compensate him for his injury, his pain, his suffering, his medical expenses, his lost wages, his attorneys' fees, pre- and post-judgment, and for all other proper relief.

NEGLIGENT SUPERVISION – DART

10. McDonald hereby incorporates by reference all other paragraphs in this Complaint as if fully set forth herein.
11. Dart employed Rollins.
12. Dart failed to properly supervise Rollins and to put controls, training, and procedures in place to ensure that he reacted properly and lawfully while in its employ.
13. Dart had a duty to oversee its employees in actions with third parties such as McDonald.
14. Dart negligently failed to properly fulfil that duty.
15. McDonald had at least \$46,236.35 in medical bills to date and may have future bills.
16. McDonald had at least \$15,000 in lost wages.
17. McDonald also had substantial pain and suffering with ongoing effects.

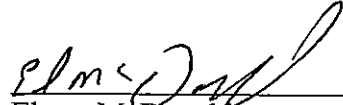
WHEREFORE, McDonald requests damages of at least \$250,0000 to compensate him for his injury, his pain, his suffering, his medical expenses, his lost wages, his attorneys' fees, pre- and post-judgment, and for all other proper relief.

Respectfully submitted,

BARADA LAW OFFICES, LLC

By: /s/ Grant M. Reeves
Grant M. Reeves #28028-70
Attorney for Plaintiff

I affirm, under the penalties of perjury, that the foregoing representations are true.


Elmer McDonald

JURY DEMAND

McDonald hereby demands trial by jury as to all matters herein.

/s/ Grant M. Reeves

Grant M. Reeves #28028-70

BARADA LAW OFFICES, LLC
201 N. Main Street
Rushville, IN 46173
(765) 932-6932
(765) 932-6933 (facsimile)
grant@baradalawoffices.com